

# STATEMENT OF BASIS (AI No. 42858)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0106488 to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:**      Plaquemines Parish Government  
                                  Empire Shipyard  
                                  8056 LA Highway 23, Suite 200  
                                  Belle Chasse, LA 70037

**ISSUING OFFICE:**      Louisiana Department of Environmental Quality (LDEQ)  
                                  Office of Environmental Services (Office)  
                                  P.O. Box 4313  
                                  Baton Rouge, Louisiana 70821-4313

**PREPARED BY:**      Gene Jarreau

**DATE PREPARED:**      February 26, 2010

## 1. PERMIT STATUS

### A. Reason For Permit Action:

Permit reissuance of an Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A  
                                  NPDES permit expiration date: N/A  
                                  EPA has not retained enforcement authority.

C. LPDES permits – LA0106488  
                                  LPDES permit effective date: November 1, 2003  
                                  LPDES permit expiration date: October 31, 2008

D. Date Application Received: May 5, 2008. Revised Application Received: December 29, 2009.

## 2. FACILITY INFORMATION

### A. FACILITY TYPE/ACTIVITY – boat washing and repair facility

Plaquemines Parish Government, Empire Shipyard, is an existing boat washing and repair facility. This facility repairs small fishing boats and pressure washes boat hulls. Facility discharges of treated sanitary wastewater, pressure washwater and stormwater runoff are included in this individual permit.

### B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I (Determined by use of the Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 or 3732.)
3. Wastewater Type: III
4. SIC code: 3731

C. LOCATION – 284 Rose Marie Drive in Empire, Plaquemines Parish  
                                  Latitude 29° 23' 12", Longitude 89° 35' 59"

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### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: the intermittent discharge of stormwater runoff and pressure washwater  
Treatment: none  
Location: monitored at the point of discharge from the work area of small fishing boat repairs and the pressure washing of boat hulls, prior to mixing with other waters  
Flow: 0.06 MGD (intermittent)  
Discharge Route: directly into Doullut Canal, thence into Adams Bay, thence into the Gulf of Mexico

#### Outfall 002

Discharge Type: the intermittent discharge of treated sanitary wastewater  
Treatment: mechanical; chlorination  
Location: monitored at the point of discharge from the office sewer system, prior to mixing with other waters  
Flow: 250 GPD (intermittent)  
Discharge Route: by effluent pipe into Morovich Canal, thence into Adams Bay, thence into the Gulf of Mexico

### 4. RECEIVING WATERS

STREAM - Doullut Canal and Morovich Canal

BASIN AND SEGMENT - Barataria Basin, Segment 020907

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. oyster propagation

### 5. TMDL STATUS

Subsegment 020907, Bay Sansbois, Lake Judge Perez, and Bay De La Cheniere (Estuarine), is not listed on LDEQ's Final 2006 303(d) list as impaired, and to date no TMDLs have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

### 6. CHANGES FROM PREVIOUS PERMIT

The SIC Code is changed from "3732" to "3731".

Facility type is changed from "boat repair facility" to "boat washing and repair facility".

The Complexity Type is changed from "II" to "I" (based on the Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 or 3732).

The Mailing Address is changed from "106 Avenue G" to "8056 LA Highway 23, Suite 200".

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The receiving waters Subsegments have changed from 021001 to 020907.

The Total Rating Points Assigned has changed from 10 to 5 (due to changes in the Complexity Type).

#### Outfall 001

This outfall now includes discharges of pressure washwater. The location has changed from "monitored at the point of discharge from the pump prior to combining with other waters" to "monitored at the point of discharge from the work area of small fishing boat repairs and the pressure washing of boat hulls, prior to mixing with other waters". Parameters, limitations, monitoring requirements, and record-keeping requirements have changed, as seen in the Existing Effluent Limits section and the Rationale section. Therefore, the Outfall Information section has also changed.

#### Outfall 002

The Receiving Waters are changed from "Doullut Canal" to "Morovich Canal". BOD<sub>5</sub>, Fecal Coliform, and TSS Monthly Average Discharge Limitations are added, per the updated Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD, and similar discharges.

"Weekly Average Discharge Limitations" are changed to "Daily Maximum Discharge Limitations", in accordance with current practices regarding treated sanitary wastewater discharges in industrial individual permits.

The location has changed from "monitored at the point of discharge from the treatment facility prior to combining with other waters" to "monitored at the point of discharge from the office sewer system, prior to mixing with other waters". Limitations, monitoring requirements, and record-keeping requirements have changed, as seen in the Existing Effluent Limits section and the Rationale section. Therefore, the Outfall Information section has also changed.

## 7. COMPLIANCE HISTORY/COMMENTS

A compliance history/DMR review was done covering the period of February 22, 2007 to February 22, 2010.

1. Compliance History - There is one known open water OEC action. A Notice Of Deficiency dated July 16, 2009 (EDMS Document number 42814995) referenced the May 21, 2009 water inspection report areas of concern. The Surveillance Division received a letter of response on September 1, 2009 (EDMS Document number 43207167) from the permittee in response to this Notice Of Deficiency.
2. DMR Review / Excursions - More than 25% DMRs were missing. All submitted DMRs stated No Discharge.
3. Inspections - The last known water permit inspection was performed on May 21, 2009 (EDMS Document number 41909935). There were three Areas Of Concern noted: The permittee has not submitted DMRs since June 2005. The permittee has not prepared and implemented a Stormwater Pollution Prevention Plan as required by the permit. The permittee has not monitored the effluent since Hurricane Katrina (August 2005). These Areas Of Concern were the basis for a Referral from LDEQ Surveillance to LDEQ Small Business/Small Community Assistance Program on June 2, 2009 and a Referral from LDEQ Surveillance to LDEQ Enforcement on November 5, 2009.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrated two or more consecutive years of permit compliance. Monitoring frequencies established

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in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities, and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

## 8. EXISTING EFFLUENT LIMITS

### Outfall 001: stormwater runoff

Effluent Characteristic	Monthly Average	Daily Maximum	Frequency
Flow – MGD	Report	Report	1/month
TOC	---	50 mg/L	1/month
Oil & Grease	---	15 mg/L	1/month
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/month

### Outfall 002: treated sanitary wastewater

Effluent Characteristic	Monthly Average	Weekly Average	Frequency
Flow – MGD	---	Report	1/12 months
BOD5	---	45 mg/L	1/12 months
TSS	---	45 mg/L	1/12 months
Fecal Coliform	---	400 colonies/ 100 mL	1/12 months
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/12 months

## 9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020907 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 5, 2010 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

## 10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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#### **11. TENTATIVE DETERMINATION**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

#### **12. PUBLIC NOTICES**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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### Rationale for Plaquemines Parish Government

1. **Outfall 001:** the intermittent discharge of stormwater runoff and pressure washwater

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report-GPD	Report-GPD	LAC 33:IX.2707.1.1.b
COD	NA	125	LAG480000; Similar Discharges
TOC	NA	50	LDEQ Stormwater Guidance; Similar Discharges
Oil and Grease	NA	15	LDEQ Stormwater Guidance; LAG480000
Soaps/ Detergents	Inventory Record	NA	LAG480000
Visual Oil and Grease	NA	No Presence	LAG480000
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

**Treatment:** None

**Monitoring Frequency:** Daily for Visual Oil and Grease (LAG480000), and monthly for Flow, COD, TOC, Oil and Grease, and pH (Current Permit). Monitored at the point of discharge from the work area of small fishing boat repairs and the pressure washing of boat hulls, prior to mixing with other waters. Soaps/Detergents: Document in a quarterly inventory record the quantity and type of any Soap and/or Detergent used during each calendar month (LAG480000).

**Limits Justification:** Limits are based on current guidance for Similar Discharges from other facilities, LDEQ Stormwater Guidance [letter dated June 17, 1987 from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)], the Light Commercial Facilities General Permit, LAG480000, effective August 1, 2001, and BPJ (Best Professional Judgment).

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity". In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC Code 3731 are considered to have storm water discharges associated with industrial activity.

**For first time permit issuance,** the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance,** the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Narrative Requirements of the permit).

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2. **Outfall 002:** the intermittent discharge of treated sanitary wastewater

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	NA	Report-GPD	LAC 33:IX.2707.I.1.b
BOD <sub>5</sub>	30	45	LAG530000
TSS	30	45	LAG530000
Fecal Coliform colonies/100mL	14	43	LAG530000
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

**Treatment:** Mechanical; Chlorination

**Monitoring Frequency:** Semiannually for all parameters (LAG530000). Monitored at the point of discharge from the office sewer system, prior to mixing with other waters.

**Limits Justification:** Limits are based on the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5,000 GPD. The statistical basis for Flow, BOD<sub>5</sub>, TSS, and Fecal Coliform has been established as daily maximum discharge limitations instead of weekly average discharge limitations. This is consistent with current guidance for sanitary discharges at industrial facilities.